

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



Vic McWherter, *Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 20, 2019

Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: **TEXAS LNG BROWNSVILLE LLC**  
**TCEQ DOCKET NO. 2019-0624-AIR**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Response to Hearing Requests and Request for Reconsideration in the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Arthur".

Garrett Arthur  
OPIC Senior Attorney

cc: Service List



DOCKET NO. 2019-0624-AIR

APPLICATION BY	§	BEFORE THE
TEXAS LNG BROWNSVILLE, LLC	§	TEXAS COMMISSION ON
FOR AIR PERMIT NO. 139561	§	ENVIRONMENTAL QUALITY

OFFICE OF PUBLIC INTEREST COUNSEL'S  
RESPONSE TO HEARING REQUESTS AND REQUEST FOR RECONSIDERATION

**To the Members of the Texas Commission on Environmental Quality:**

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this response to the hearing requests and the request for reconsideration in the above-captioned matter.

**I. Background**

On March 24, 2016, Texas LNG Brownsville, LLC (Applicant) applied to TCEQ for a new air permit. Applicant is proposing to build a liquefied natural gas (LNG) export terminal in Brownsville, Cameron County. The proposed location is on the southeast side of State Highway 48, approximately 12.2 miles to the east-northeast of the intersection with State Highway 550.

The application was declared administratively complete on April 1, 2016. On April 27, 2016, the first newspaper notice was published in *The Brownsville Herald* and *El Nuevo Herald*. On September 25, 2016, the second newspaper notice, a combined notice, was published in the same newspapers. On October 11, 2016, TCEQ held a public meeting in Brownsville, and the public comment period closed October 25, 2016. The Executive Director's (ED) Response to

Comments (RTC) was mailed March 25, 2019, and the deadline to submit contested case hearing requests and requests for reconsideration (RFR) was April 24, 2019.

TCEQ timely received hearing requests from: City of Port Isabel, City of South Padre Island, Long Island Village Owners Association (LIVOA), Shrimpers and Fishermen of the RGV (SFRGV), Vecinos Para el Bienestar de la Comunidad Costera (VBCC), and John Young. Also, TCEQ received a request for reconsideration from John Young. For the reasons stated herein, OPIC respectfully recommends the Commission grant the hearing requests of Port Isabel, South Padre Island, LIVOA, SFRGV, and VBCC.

## **II. Applicable Law**

### **A. Hearing Requests**

This application was filed on or after September 1, 2015, and is therefore subject to Senate Bill 709, Tex. S.B. 709, 84<sup>th</sup> Leg., R.S. (2015) (SB 709). For SB 709 applications, Texas Water Code Section 5.115(a-1)(2)(B) provides the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the application. Texas Government Code Section 2003.047(e-1) further provides that each issue referred by the Commission must have been raised by an affected person in a timely comment filed by that affected person. The Commission's Chapter 55 rules implement these statutory requirements and other provisions of SB 709.

Under Title 30, Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

Under 30 TAC § 55.203(a), an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members

of the general public does not qualify as a personal justiciable interest. Section 55.203(c) provides relevant factors to be considered in determining whether a person is affected. These factors include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the ED; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

For applications filed on or after September 1, 2015, § 55.205(b) states that a hearing request by a group or association may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

For an application filed on or after September 1, 2015, § 55.211(c)(2)(A)(ii) provides that a hearing request made by an affected person shall be granted if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application.

Under § 55.211(c)(2)(B)–(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

## **B. Requests for Reconsideration**

Any person may file a request for reconsideration of the ED's decision under 30 TAC § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision

and RTC. The request must expressly state that the person is requesting reconsideration of the ED's decision and give reasons why the decision should be reconsidered.

### **III. Analysis of Hearing Requests**

#### **A. Whether the requestors are affected persons**

Before we offer our analysis of the hearing requestors, OPIC would like to note that there are no distance restrictions imposed by law on whom may be considered an affected person in this matter. OPIC further notes that Texas LNG Brownsville is one of three LNG projects that may eventually be located on the Brownsville Ship Channel, creating the potential for concentrated air emissions and cumulative impacts. Also, the Laguna Madre area's unique environment and coastal geography create relatively isolated communities with limited ingress and egress. Given this combination of factors, it is appropriate to consider potential affected person status at further distances from the proposed site.

#### **City of Port Isabel**

Jared Hockema, City Manager, timely submitted comments and hearing requests for the City of Port Isabel. According to the City, the proposed site is in or near Port Isabel's extra-territorial jurisdiction and two miles or less from the city limits and city property. The proximity of the site to Port Isabel is confirmed by the ED's maps.



Port Isabel is concerned about significant degradation of air quality, and states that under certain meteorological conditions, Cameron and Hidalgo Counties already fail to meet air quality standards. Port Isabel notes that Applicant's project is connected or related to other projects and developments, and therefore cumulative impacts should be analyzed. The City notes the proximity of the site to residences, schools, recreational and cultural facilities, and places of worship, and is concerned about potential adverse effects on public health and welfare due to emissions. The City states that the prevailing wind puts the facility upwind of sensitive receptors, including children and the elderly. Port Isabel is concerned that dust from the site may harm residents and damage public property. Port Isabel states that the project site is next to the Bahia Grande Unit of the Laguna Atascosa National Wildlife Refuge, which provides sensitive habitat for endangered species. Also, the Refuge is economically important to tourism and commercial fishing, and Native American artifacts are present there. The City urges TCEQ to consider adverse impacts on wildlife and outdoor recreation. Finally, the City is concerned about noise emissions related to the project.

Under 30 TAC § 55.203(c)(7), Port Isabel can be an affected person based on its statutory authority over or interest in the issues relevant to the application (emphasis added). The Texas Health and Safety Code provides that the governing body of a municipality may enforce any law that is reasonably necessary to protect the public health.<sup>1</sup> It further states, "[A] municipality has

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<sup>1</sup> TEX. HEALTH & SAFETY CODE § 121.003(a).

the powers and rights as are otherwise vested by law in the municipality to ... abate a nuisance ....”<sup>2</sup> In addition to its statutory authority over issues relevant to this application, Port Isabel is seeking to protect its economic interests, including city-owned property and facilities which could be negatively impacted by the proposed facility. Also, the City is seeking to protect public health and welfare by protecting participants in its programs and its employees from adverse health effects caused by air pollution. Port Isabel’s claimed interests are protected by the law under which this application is being considered, and a reasonable relationship exists between the City’s claimed interests and the regulated activity. Finally, Port Isabel’s interests as a governmental entity are not common to members of the general public. OPIC finds that the City of Port Isabel has a justiciable interest in this matter, that interest is affected by the application, and the City therefore qualifies as an affected person.

#### *City of South Padre Island*

The City of South Padre Island timely submitted comments and a hearing request. The ED’s maps mark South Padre Island with a star, but it is unclear what part of the City is located at the star. Based on Google Maps and OPIC’s understanding of Applicant’s proposed location, it appears that South Padre Island’s city limits are within 5 miles of the site.

South Padre Island is concerned about cumulative effects, dust, particulate matter, and nuisance conditions. The City is also concerned that

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<sup>2</sup> TEX. HEALTH & SAFETY CODE § 382.113(a)(1).

elevated levels of pollutants will diminish the environment and the tourism-driven economy of South Padre Island.

Under 30 TAC § 55.203(c)(7), South Padre Island can be an affected person based on its statutory authority over or interest in the issues relevant to the application (emphasis added). The Texas Health and Safety Code provides that the governing body of a municipality may enforce any law that is reasonably necessary to protect the public health.<sup>3</sup> It further states, “[A] municipality has the powers and rights as are otherwise vested by law in the municipality to ... abate a nuisance ....”<sup>4</sup> In addition to its statutory authority over issues relevant to this application, South Padre Island is seeking to protect its economic interests, specifically the City’s tourism-driven economy. South Padre Island’s claimed interest is protected by the law under which this application is being considered, and a reasonable relationship exists between the City’s claimed interest and the regulated activity. Finally, South Padre Island’s interests as a governmental entity are not common to members of the general public. OPIC finds that the City of South Padre Island has a justiciable interest in this matter, that interest is affected by the application, and the City therefore qualifies as an affected person.

*Long Island Village Owners Association*

Ed McBride, Vice President of the Board of Directors of Long Island Village, timely submitted comments and a hearing request on behalf of the

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<sup>3</sup> TEX. HEALTH & SAFETY CODE § 121.003(a).

<sup>4</sup> TEX. HEALTH & SAFETY CODE § 382.113(a)(1).

Long Island Village Owners Association. To be an affected person, LIVOA must identify, by name and physical address, one or more members of the group who would have standing to request a hearing in their own right.<sup>5</sup> LIVOA did not explicitly identify Ed McBride as the group member to consider for standing, but no other members were named, and OPIC will therefore use Mr. McBride to analyze LIVOA's standing. Mr. McBride's address is 33840 S. Garcia St., Unit 585, Port Isabel, TX 78578-4345, and according to the ED's maps, that address is about two miles from the closest point of the proposed facility. Other parts of Long Island are significantly closer to the site. LIVOA is concerned about negative health impacts, harmful emissions, air pollution, cumulative pollutants, particulate matter emissions, and the village's ability to evacuate. Mr. McBride states that Applicant's proposed project will negatively impact his health.

Ed McBride's proximity to the proposed facility, when combined with his concern about negative health impacts, would give him a personal justiciable interest in this matter. His proximity also shows that he could be impacted in a manner not common to the general public and distinguishes his personal justiciable interest from an interest common to the general public. Further, the § 55.203 affected person determination factors indicate that Mr. McBride would qualify as an affected person. First, his concern about negative health impacts is an interest protected by the law under which this application is being considered. Second, a reasonable relationship exists between that interest and

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<sup>5</sup> 30 TAC § 55.205(b)(2).

the regulation of air contaminants. Finally, the proximity of Mr. McBride to the proposed facility increases the likelihood of impacts to his health, safety, and use of property. OPIC finds that LIVOA member Ed McBride would qualify as an affected person in this matter.

LIVOA has satisfied the first two requirements for group standing by timely submitting comments and having a member who would otherwise have standing to request a hearing in his own right.<sup>6</sup> Because it is a property owners association, OPIC can infer that the interests LIVOA seeks to protect are germane to its purpose, and neither the claim asserted nor the relief requested requires the participation of individual members. OPIC finds that LIVOA has also satisfied the last two requirements for group standing.<sup>7</sup> The Long Island Village Owners Association has met all four requirements for group standing in this matter and therefore qualifies as an affected person.

#### *Shrimpers and Fishermen of the RGV*

Texas RioGrande Legal Aid timely submitted comments and a hearing request on behalf of Shrimpers and Fishermen of the RGV. SFRGV states that it is an unincorporated nonprofit association of individuals that live, work, and recreate around the Brownsville Ship Channel. SFRGV further states that most members work in the Brownsville Shrimp Basin, and some fish recreationally in the ship channel. The group's mission statement provides, in part, that Shrimpers and Fishermen of the RGV have united to form a representation of

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<sup>6</sup> 30 TAC § 55.205(b).

<sup>7</sup> *Id.*

individuals that depend on the area of the Brownsville Ship Channel for their livelihood. SFRGV states that its specific goal is protecting the natural environment around and in the Brownsville Ship Channel, including air quality and protecting the health, safety, and livelihood of its members. SFRGV asserts that the group's interest in the permit and proceeding is germane to its purposes.

To be an affected person, SFRGV must identify, by name and physical address, one or more members of the group who would have standing to request a hearing in their own right.<sup>8</sup> SFRGV has identified Lela Burnell, who lives in Los Fresnos. According to the ED's maps, Ms. Burnell resides 19.63 miles from the proposed facility. However, Ms. Burnell works and docks her boats on the ship channel, and her boat crews travel along the ship channel, past the proposed site, to fish. Based on Google Maps and OPIC's understanding of Applicant's proposed location, it appears that Ms. Burnell's family shrimp business would be between seven and eight miles from the site, as measured along State Highway 48. As measured along the ship channel, the intervening distance appears to be about the same. SFRGV states that Ms. Burnell is a third-generation shrimper, and her family's livelihood depends on fishing in and around the Brownsville Ship Channel. As stated by SFRGV, Ms. Burnell is concerned about the health and safety impacts of increased local air pollutants, potential harms to the marine ecosystems and fisheries, and the risk of accidents or explosions from the proposed facility.

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<sup>8</sup> 30 TAC § 55.205(b)(2).

The proximity of Ms. Burnell's business to the proposed facility, when combined with her concerns about health and safety impacts from increased local air pollutants, would give her a personal justiciable interest in this matter. The proximity and nature of her business also show that she could be impacted in a manner not common to the general public and distinguish her personal justiciable interest from an interest common to the general public. Further, the § 55.203 affected person determination factors indicate that Ms. Burnell would qualify as an affected person. First, her concerns about health and safety impacts from increased air pollution are interests protected by the law under which this application is being considered. Second, a reasonable relationship exists between those interests and the regulation of air contaminants. Finally, the proximity of Ms. Burnell's shrimp business to the proposed facility increases the likelihood of economic harm and impacts to her health, safety, and use of property. OPIC finds that SFRGV member Lela Burnell would qualify as an affected person in this matter.

SFRGV has satisfied the first two requirements for group standing by timely submitting comments and identifying a member who would otherwise have standing to request a hearing in her own right.<sup>9</sup> Because the interests SFRGV seeks to protect are germane to its purpose, and neither the claim asserted nor the relief requested requires the participation of individual members, SFRGV has also satisfied the last two requirements for group

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<sup>9</sup> 30 TAC § 55.205(b).

standing.<sup>10</sup> Shrimpers and Fishermen of the RGV has met all four requirements for group standing in this matter and therefore qualifies as an affected person.

*Vecinos Para el Bienestar de la Comunidad Costera*

Texas RioGrande Legal Aid timely submitted comments and a hearing request on behalf of Vecinos Para el Bienestar de la Comunidad Costera. VBCC states that it is an unincorporated association comprised of residents of Laguna Heights and nearby areas that seeks to protect and improve the health, standard of living, and economic development of the coastal community in the Rio Grande Valley of South Texas. According to VBCC, members are largely low-income Hispanic families whose livelihoods depend on the continued vibrancy of existing local industries, such as fishing and hospitality. VBCC states that its specific goal is improving outdoor air quality and protecting the health and safety of its members. Finally, VBCC asserts that its stated interests in the permit and proceeding are germane to VBCC's purposes.

To be an affected person, VBCC must identify, by name and physical address, one or more members of the group who would have standing to request a hearing in their own right.<sup>11</sup> VBCC has identified Erika Avila, who lives in the Laguna Heights neighborhood. According to the ED's map, Ms. Avila resides about 2 miles from the closest point of the proposed facility. As stated by VBCC, Ms. Avila is concerned about the impacts of the increased air

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<sup>10</sup> *Id.*

<sup>11</sup> 30 TAC § 55.205(b)(2).



pollutants and risk of accidents and explosions from the proposed facility on her health and safety.

Ms. Avila's proximity to the proposed facility, when combined with her concern about the impact of increased air pollutants on her health and safety, would give her a personal justiciable interest in this matter. Her proximity also shows that she could be impacted in a manner not common to the general public and distinguishes her personal justiciable interest from an interest common to the general public. Further, the § 55.203 affected person determination factors indicate that Ms. Avila would qualify as an affected person. First, her concern about the impact of increased air pollutants on her health and safety is an interest protected by the law under which this application is being considered. Second, a reasonable relationship exists between that interest and the regulation of air contaminants. Finally, the proximity of Ms. Avila to the proposed facility increases the likelihood of impacts to her health, safety, and use of property. OPIC finds that VBCC member Erika Avila would qualify as an affected person in this matter.

VBCC has satisfied the first two requirements for group standing by timely submitting comments and identifying a member who would otherwise have standing to request a hearing in her own right.<sup>12</sup> Because the interests VBCC seeks to protect are germane to its purpose, and neither the claim asserted nor the relief requested requires the participation of individual members, VBCC has also satisfied the last two requirements for group

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<sup>12</sup> 30 TAC § 55.205(b).

standing.<sup>13</sup> VBCC has met all four requirements for group standing in this matter and therefore qualifies as an affected person.

John Young

John Young's address is in San Benito, and according to the maps prepared by the ED, Mr. Young resides about 24 miles from the proposed site. He is concerned about negative health effects, air quality, ozone, particulate matter emissions, and inadequate regulations. At 24 miles from the proposed site, Mr. Young lacks the proximity necessary to establish a personal justiciable interest which is distinct from interests common to the general public. Without a personal justiciable interest, a hearing requestor cannot qualify as an affected person. Further, the intervening distance decreases any likelihood that the regulated activity will impact his health, safety, or use of property. Therefore, OPIC finds that John Young does not qualify as an affected person.

**B. Which issues raised in the hearing requests are disputed**

All of the issues raised in the hearing requests filed by affected persons are disputed.

**C. Whether the dispute involves questions of fact or of law**

All of the issues involve questions of fact.

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<sup>13</sup> *Id.*

**D. Whether the issues were raised during the public comment period**

All of the issues were raised during the public comment period.

**E. Whether the hearing requests are based on issues raised solely in public comments which have been withdrawn**

None of the hearing requests are based on issues raised solely in public comments which have been withdrawn.

**F. Whether the issues are relevant and material to the decision on the application**

OPIC finds the following issues are relevant and material to the

Commission's decision on this application:

- Whether the proposed facility and draft permit will negatively impact air quality?
- Whether the proposed facility and draft permit will cause adverse health effects?
- Whether cumulative impacts were considered and accounted for in the application and draft permit?
- Whether the proposed facility and draft permit will adversely impact wildlife, including aquatic organisms and endangered species?
- Whether the application is incomplete?
- Whether the application complies with BACT requirements?
- Whether the application assumes unrealistically high combustion efficiency for flares?
- Whether the BACT analysis for fugitive VOC emissions must consider equipment to reduce emissions?
- Whether PSD review is required for sulfur dioxide and hydrogen sulfide?

- Whether a disaster review should have been required and performed by Applicant and TCEQ?
- Whether Applicant considered all applicable sources of fugitive dust and particulate matter emissions?
- Whether the draft permit requires control of all applicable sources of fugitive dust and particulate matter emissions?
- Whether it is appropriate to use ambient air quality data from Nueces County to represent background concentration conditions at the proposed location?

#### **IV. Analysis of Request for Reconsideration**

John Young submitted a request for reconsideration of the ED's decision. As stated by Mr. Young, he is requesting three reconsiderations. First, he is requesting reconsideration of the RFR and hearing request deadline if inadequate information regarding the pending permit was not on file at the TCEQ Harlingen office within a reasonable amount of time before the deadline. Second, he is requesting reconsideration of the way TCEQ handles contested hearing requests. Third, he is requesting reconsideration of the way TCEQ determines what is and is not required to adequately protect human health and the environment.

An evidentiary record on these issues would be necessary for OPIC to make a recommendation to the Commission on whether the ED's decision should be reconsidered. At this time OPIC is recommending a hearing, but prior to the development of an evidentiary record, OPIC cannot recommend reversal of the ED's decision or remand of the application to the ED.

## **V. Public Interest Hearing**

Texas Clean Air Act § 382.056(n) requires hearing requests to be considered under the procedures provided by Texas Water Code §§ 5.556 and 5.557. Texas Water Code § 5.556(c) states the Commission may not grant a request for contested case hearing unless the Commission determines the request was filed by an affected person. However, Texas Water Code § 5.556(f) clarifies that “[t]his section does not preclude the Commission from holding a hearing if it determines the public interest warrants doing so.” If the Commission disagrees with OPIC’s analyses above regarding affected persons, OPIC recommends in the alternative that the Commission hold a hearing because the public interest warrants doing so.

The proposed facility site is uniquely located along the ship channel as well as along Highway 48, a main artery that connects the small coastal communities of Port Isabel, Laguna Vista, and Laguna Heights to Brownsville and the remainder of the Rio Grande Valley. Also, the only drivable route between South Padre Island and the mainland, the Queen Isabella Causeway, is within three miles of the site. Even if the Commission finds that none of the hearing requestors have stated an interest distinguishable from the “general public,” the relevant consideration from a public interest perspective is that most of the general public within the Port Isabel area could be affected. Routine daily activities, fishing, shrimping, other work activities, and commuting in and around the Rio Grande Valley will require local citizens to be in very close proximity to facility operations. A review of maps of the area in


conjunction with a reading of all hearing requests confirms this understanding. An evidentiary record developed through a contested case hearing would allow for a more fully informed Commission decision on this application. Such a record of decision would provide greater context for the community as it balances views on potential concerns and potential benefits associated with this project.

## **VI. Conclusion**

OPIC respectfully recommends the Commission grant the following hearing requests: City of Port Isabel, City of South Padre Island, Long Island Village Owners Association, Shrimpers and Fishermen of the RGV, and Vecinos Para el Bienestar de la Comunidad Costera. We further recommend that all of the relevant and material issues listed above in Section III.F. be referred to the State Office of Administrative Hearings for a contested case hearing. OPIC also recommends John Young's request for reconsideration be denied. Finally, if the Commission disagrees with OPIC's recommendations regarding affected persons and finds that none of the requestors qualify, we recommend in the alternative that the Commission hold a hearing because the public interest warrants doing so.

Respectfully submitted,

Vic McWherter  
Public Interest Counsel

By 

Garrett T. Arthur  
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## CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2019, the foregoing document was filed with the TCEQ Chief Clerk, and copies were served to all parties on the attached mailing list via hand delivery, facsimile transmission, electronic mail, inter-agency mail, or by deposit in the U.S. Mail.



Garrett T. Arthur



**MAILING LIST  
TEXAS LNG BROWNSVILLE LLC  
TCEQ DOCKET NO. 2019-0624-AIR**

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